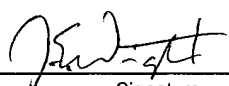
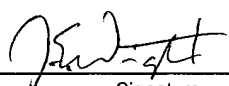
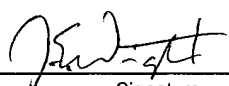




Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)  
Approved for use through xx/xx/200x. OMB 0651-00xx  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)									
		1875.7300004									
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed name _____	Application Number	Filed									
	10/663,167	September 15, 2003									
	First Named Inventor										
	Harry BIMS										
	Art Unit	Examiner									
	2617	Mehra, Inder P.									
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table border="0"><tr><td><input type="checkbox"/> applicant/inventor.</td><td> _____ Signature</td></tr><tr><td><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td>Jon E. Wright _____ Typed or printed name</td></tr><tr><td><input type="checkbox"/> attorney or agent of record. Registration number _____</td><td>(202) 371-2600 _____ Telephone number</td></tr><tr><td><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>50,720</u></td><td>December 22, 2006 _____ Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below".</p>				<input type="checkbox"/> applicant/inventor.	 _____ Signature	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Jon E. Wright _____ Typed or printed name	<input type="checkbox"/> attorney or agent of record. Registration number _____	(202) 371-2600 _____ Telephone number	<input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>50,720</u>	December 22, 2006 _____ Date
<input type="checkbox"/> applicant/inventor.	 _____ Signature										
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Jon E. Wright _____ Typed or printed name										
<input type="checkbox"/> attorney or agent of record. Registration number _____	(202) 371-2600 _____ Telephone number										
<input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>50,720</u>	December 22, 2006 _____ Date										

<input checked="" type="checkbox"/> *Total of <u>one (1)</u> forms are submitted.
---

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

623,157



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Harry BIMS

Appl. No.: 10/663,167

Filed: September 15, 2003

For: **Tracking Multiple Interface  
Connections By Mobile Stations**

Confirmation No.: 2824

Art Unit: 2614

Examiner: Inder P. Mehra

Atty. Docket: 1875.7300004

**Arguments to Accompany the Pre-Appeal Brief Request for Review**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

*Mail Stop: AF*

Sir:

Applicant hereby submits the following Arguments, in five (5) or less total pages, as attachment to the Pre-Appeal Brief Request for Review Form (PTO/SB/33). A Notice of Appeal is concurrently filed.

***Arguments***

Applicant's arguments in the Reply under 37 C.F.R. § 1.111 ("First Reply") filed in response to the Office Action issued October 28, 2005 ("First Action"), were not properly considered or responded to by the Examiner in the Final Office Action issued August 30, 2006 ("Final Action"). The Examiner's responses were legally and factually deficient for the reasons cited below.

***Objection for "Priority"***

The Examiner has apparently twice objected to the pending claims under the heading "priority." (First Action, ¶ 3; Final Objection, ¶¶ 3 and 11.) Although the basis for this objection is not clearly stated, the Examiner appears to assert that Applicant is required to explicitly identify which claims are supported by the parent application despite the fact that the priority date for the claims is not at issue in this case. Applicant

is not aware of any such requirement and respectfully requests that any objection based on such reasoning be reconsidered and withdrawn.

***Objection to the Drawings***

The Examiner has twice objected to the drawings because they allegedly do not "show every feature of the invention specified in the claims." (First Action, ¶ 4; Final Action, ¶ 4.) In making the objection, the Examiner has twice referred to figures 1-22 despite the fact that Applicant explicitly pointed to support for the claims in Figures 23A and 23B in its First Reply. (First Reply, p. 8, ¶¶ 2-3.) Applicant is unsure why Examiner apparently refused to consider Figures 23A and 23B and why the Examiner is maintaining this objection. Applicant respectfully requests that the objection to the drawings be reconsidered and withdrawn.

***Rejection of Independent Claims Under 35 U.S.C. § 102(e)***

For a rejection to be legally adequate under 35 U.S.C. § 102, every claim limitation must be taught in a single reference. *Industries, Inc. v. Guardian Industries Corp.*, 75 F.3d 1558, 1566 (Fed. Cir. 1996). The absence of any claimed element from the reference negates anticipation. *Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 750 F.2d 1569, 1574 (Fed. Cir. 1984). The Examiner has failed to show where each feature of the independent claims 1, 13, 14 and 25 are present in the allegedly anticipating reference. For this reason, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

More specifically, the Examiner has twice rejected independent claims 1, 13, 14, and 25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2002/0075844 to Hagen ("Hagen"). The method of claim 1 describes allowing a station

to connect to a network over a first interface, and then determining that the same station is attempting to access the same network over an interface different from the first interface. Similarly, independent claims 13, 14 and 25, each recite the feature of a station having access to a network via a first interface, and determining that the same station is attempting to gain access to the network via a second, different, interface. Applicant respectfully asserts that this feature common to each independent claim is not present in Hagen.

As noted in Applicant's reply dated February 28, 2006, ("Reply") Hagen is directed to a "network access server (NAS)" that, among other things, "provides public network access to mobile terminals through the private network's access point and public network access connection." (Hagen, Abstract.) In effect, the NAS described in Hagen "provides a system and method that enables terminals to access public networks, such as the Internet, ... via fixed, wireline or wireless network connections, and at geographically dispersed network access points using the existing public network connections of private or proprietary networks." (Reply, p. 9-10; Hagen, Summary of Invention, ¶ 0010.)

The Examiner specifically asserts that the above noted features of the independent claims are disclosed in Hagen at ¶ 0057. (First Action, pp. 4-5; Final Action, pp. 4-5.) Applicant respectfully disagrees. The "interfaces" of Hagen represent the plurality of connections of the described NAS--*i.e.*, one connection to the mobile terminals via WAPs (*see* FIG. 1, downlink 6); one connection to a public network (*see* FIG. 1, uplink 13); and one connection to a private network or LAN (*see* FIG. 1, interface 8). (Reply, p. 10.) In other words, the plurality of interfaces in Hagen refers to separate means for connecting to a network. Hagen then teaches that whether or not a

mobile station is permitted access to the private LAN via one of the separate interfaces depends on its IP address and the settings of the IP filter or firewall, as determined by the resource provider. (Reply, pp. 10-11.)

There is simply no indication that the "resource provider" of Hagen first allows a mobile terminal to connect to the private network or LAN over a first interface (*e.g.*, via the NAS), and then determines whether that same mobile terminal is attempting to have a second connection to the private network or LAN over an alternate interface that is different from the first interface. Hagen thus does not teach or suggest "determining that the [same] station is attempting to have a second connection to the network over a second interface other than the first interface," as recited in claim 1. (Reply, p. 11-12.) The Examiner has misinterpreted Hagan and the continued rejection of the independent claims over Hagen is both legally and factually deficient.

Applicant's further note that the Examiner's response in the Final Action to Applicant's substantive remarks was non-responsive. (*See* Final Action, p. 8.) Therein, Examiner stated that "[t]he resource provider may determine that in addition to hosting unknown or foreign mobile terminals 1, which are not to be provided access to LAN 10, the resource provider will also host mobile terminals 1 which the resource provider owns or for other reasons has determined to provide access to LAN 10, refer to paragraph 00057." (Final Action, p. 8; emphasis in original.) To the extent that the Examiner's response may be understood, Applicant respectfully submits that the remarks still do not illustrate the claimed feature of determining that a single mobile terminal is attempting to have a second connection to the private network or LAN over an alternate interface that is different from the first interface. Indeed the remarks appear to point to two different mobile terminals accessing the LAN.

As a final matter, the Examiner noted certain non-patent literature documents submitted in Applicant's Information Disclosure Statement were not considered because no copies of the references had been provided to the Office. Applicant respectfully notes that copies of the non-patent literature were previously submitted during prosecution of Application No. 10/044,016 (to which priority is claimed), and were properly referenced in the IDS filed November 5, 2003, in the above captioned application according to 37 C.F.R. § 1.98(d) (1) and (2). Applicant therefore submits duplicate copies are not required. However, Applicant has included courtesy copies of the references with this filing.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Jon E. Wright  
Attorney for Applicant  
Registration No. 50,720

Date: 12/22/2006

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

616866\_1.DOC